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EXAMINER

PHAM, THIERRY L

ART UNIT PAPER NUMBER

2624

DATE MAILED: 05/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,351

Applicant(s)

HA, WOO-HWA

Examiner

Thierry L Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

- This action is responsive to the following communication: an Amendment filed on 11/10/04.
- Claims 1-18 are pending in application; Claims 10-18 are newly added.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 13 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not provide an adequate written description of the limitations as recited in claim 13, wherein “the initial date being stored in the second area and a an indicator being stored in the first area that indicates whether or not an initial date has been stored in the second area, said determining the contents of the first area and not the second area”; therefore, it does not enable one skilled in the art to make, use and/or practice the invention. The examiner unable to locate any section of the originally filed specification indicating *an indicator being stored in the first area that indicates whether or not an initial date has been stored in the second area*.

Claims 14 & 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not provide an adequate written description of the limitations as recited in claims 13, 14 & 18, wherein “storing step being execute *only* when drivers for the printer are being installed as cited in claim 14” and “the first and second areas being updated *only* when the

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printer drivers are being installed as cited in claim 18; therefore, it does not enable one skilled in the art to make, use and/or practice the invention. The examiner fails to locate any terms relating to “*only and/or exclusive*” within the originally filed specification.

Claim 17 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not provide an adequate written description of the limitations as recited in claim 17, wherein “the first area is updated when the initial date is stored in the second area in the printer” therefore, it does not enable one skilled in the art to make, use and/or practice the invention. The examiner cannot locate term “*update*” anywhere in the originally filed specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, and 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klees (U.S. 5283661), and in view of Yokono et al (JP 09321275, translation provided).

Regarding claim 1, Klees discloses a method of storing (SRAM, fig. 1) an initial use date (date, fig. 3) of a printer (facsimile 10 includes a printer unit 34, fig. 1), comprising the steps of:

- determining (CPU 12, fig. 1) whether the printer is used for the first time (determines when the printer is powered up, col. 2, lines 3-25); and
- storing (SRAM 24, fig. 1) the initial use date (initial date of using the printer for the first time, fig. 4a, col. 1, lines 55-67 and col. 3, lines 45-67 to col. 4, lines 1-15) in a storage of the printer if the printer is used for the first time.

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Klees teaches a method for setting the time and date (i.e. initial use date) of the facsimile via a control panel, but fails to teach by transferring the time and date (i.e. initial use date) from a personal computer to the printer.

Yokono, in the same field of endeavor for setting the time and date of the facsimile apparatus, teaches a method for transferring the time and date from a personal computer to the printer (transferring time and date from the host computer 1 to a multifunctional facsimile apparatus 2, fig. 1, abstract and pars. 81-82, 86-87).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made by modifying facsimile machine of Klees to include a method of transferring a time and date from a host computer to a facsimile as taught by Yokono because of a following reason: (●) allowing operators to set the initial use date and/or change time settings via remotely rather than locally at the control panel of the facsimile; (●) it reduces time consumption (i.e. operators need not to travel back and forth just for time settings/changes) and increases efficiency of network printing environment.

Therefore, it would have been obvious to combine Klees with Yokono to obtain the invention as specified in claim 1.

Regarding claim 4, Yokono further teaches the method of claim 1, further comprising the step of transferring data from said printer to a computer attached to said printer (transferring time and date from the host computer 1 to a multifunctional facsimile apparatus 2 via communication line 3, fig. 1, abstract and pars. 81-82 and 86-87, multifunctional facsimile apparatus 2 and host computer 1 are communicated via a bi-directional communication line 3).

Regarding claim 5, Yokono further discloses the method of claim 4, wherein said initial use date is entered into said computer by a user (entering via keyboard 10, fig. 1, pars. 81-82 and 86-87).

Regarding claim 6, Yokono further discloses the method of claim 4, wherein said computer counts the date via an internal clock and registers (obviously, all personal computer contains an internal clock for displaying time and date, for example, Microsoft Windows

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operating system provided on all computers contain a clock) the time and date into memory of printer if said time and date correct **(please notes: according to the originally filed specification, the method for inputting time and date is performed manually by an operator and not automatically by the host computer).**

Claims 2-3, 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klees (U.S. 5283661), and in view of Millman (U.S. 5363204).

Regarding claim 2, Klees discloses a method of informing an initial use date of a printer, comprising the steps of: (1) providing a storage area (SRAM 24 for storing manufactured/initial use date, figs. 1-4a, cols. 3-4) for storing initial use date; (2) determining whether the initial use date was stored referring to the data indicating the presence or absence (CPU 12 verifies whether if the manufactured/initial use date was set, cols. 3-4); (3) providing a current year/month/date to the printer (current year/month/date, fig. 4a, cols. 3-4); (4) storing (SRAM 24 for storing current year/month/date, cols. 3-4) the current year/month/date received from the control panel as the initial use date; (5) outputting (displaying via control panel, fig. 2) the initial use date from the storage by the printer upon receipt of a user command.

However, Klees does not teach wherein the settings of year/month/date of initial use date are setting by a user via a "host computer".

Millman, in the same field of endeavor for setting printer's time, teaches the settings of year/month/date of initial use date is performed by a user via a "host computer" (adjusting current time/date/month/year of the printer via a control panel using a help menu, fig. 5, and such adjusting can be also set via using communication network, fig. 11, col. 7, lines 30-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Klees as per teachings of Millman because of a following reason: (1) to allow operators/uses to adjust printer's time/date/month/year remotely.

Therefore, it would have been obvious to combine Klees with Millman to obtain the invention as specified in claim 2.

Regarding claim 3, the combinations of Klees and Millan further teaches a method comprising: (1) displaying a first message asking whether a year/month/date counted by an

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internal counter is identical to the current year/month/date by the host if the initial use date was not stored (Klees, cols. 3-4); (2) providing the counted year/month/date as the current year/month/date to the printer by the host upon receipt of a positive response from a user (Millman, col. 5, lines 1-67); (3) displaying (control panel, fig. 5) a second message requesting the user to enter the current year/month/date by the host upon receipt of a negative response from the user (Millman, col. 5, lines 1-67); and (4) providing a year/month/date received from the user as the current year/month/date to the printer by the host upon receipt of the year/month/date from the user (Millman, col. 5, lines 1-67 and col. 7, lines 30-55).

Regarding claim 7, Millman further teaches a computer attached to the printer (computer and printer are connected via a communication network are widely known in the art, and printer driver installed in computer are widely known in the art).

Regarding claims 8-9, Klees also teaches the step of having the computer furnish said initial date of said printer if a clock on said computer is accurate and storing initial date in memory device (cols. 3-4).

Claims 10-16 rejected under 35 U.S.C. 103(a) as being unpatentable over Klees and Millman as applied to claims 2 & 7 above, and further in view of Yokono (JP 09321275, translation provided).

Regarding claim 10, the combinations of Klees and Millman fail to teach and/or suggest a host being a personal computer attached to but separate from the printer.

Yokono, in the same field of endeavor for time settings, teaches a host computer is a personal computer attached to but separate from the printer (personal computer 1 is connected to a multifunctional facsimile 2 via communication line 3, fig. 2, par. 35).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made by modifying facsimile machine of Klees to include a method of transferring a time and date from a host computer to a facsimile as taught by Yokono because of a following reason: (●) allowing operators to set the initial use date and/or change time settings via remotely rather than locally at the control panel of the facsimile; (●) it reduces time consumption (i.e. operators

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need not to travel back and forth just for time settings/changes) and increases efficiency of network printing environment.

Therefore, it would have been obvious to combine Klees with Yokono to obtain the invention as specified in claim 10.

Regarding claim 11, Klees further teaches the first and not the second area is consulted to determine whether the initial use date has previously been stored, said first area being distinguished from the second area (SRAM 24 for storing warranty date, fig. 1, col. 4, lines 1-15). Also see RAM 26 of Yokono, fig. 1 for more details. According to the originally filed specification, first and second storage areas are within a single storage memory device, NVRAM 106, shown in fig. 2. Obviously, each allocation of the SRAM 24 of Klees is different.

Regarding claim 12, Yokono further teaches computer being a personal computer, said personal computer being distinguished from the printer (fig. 2).

Regarding claim 13, Klees further teaches the method of claim 7, said memory space (SRAM 24, col. 4, lines 1-15) comprising a first area and a second area separate from the first area (obviously, SRAM 24 contains plurality of allocation areas, for example, one area for storing current date and time, and other areas for storing different data including programs/software/print data, warranty date and time, and etc), the initial date being stored in the second area (current time and date stored in SRAM 24, col. 4, lines 1-15) and a an indicator being stored in the first area (i.e. warranty date and/or original manufacturer's date, col. 4, lines 1-20) that indicates whether or not an initial date has been stored in the second area, said determining step examining the contents of the first area and not the second area. Obviously, SRAM 24 can be allocated to store manufacturer's date, current time and date, warranty date, and etc. Please see RAM 26 of Yokono's references for more details.

Regarding claim 14, please see 112, 1st paragraph rejections as above for details.

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Regarding claim 15, Yokono further teaches typing step being conducted at the personal computer (keyboard 10 of personal computer 1 for inputting date and time, fig. 1) and not at the printer.

Regarding claim 16, Yokono further teaches the method comprising updating the first area to indicate that the initial use date has been stored when the host supplies the printer with initial use date (obviously, when new data, i.e. time and date, is written to SRAM, contents of its storage configuration is changed/updated).

Regarding claims 17-18, please see 112 1st paragraph rejections as described above.

Response to Arguments

Applicant's arguments filed 11/10/04 have been fully considered but they are not persuasive.

- Regarding claim 1: Claim 1 is rejected in view of newly found prior art reference due to amended limitations newly added in claim 1.

- Regarding claim 2, the applicant argued the cite prior arts of record fail to teach and/or suggest “when a printer driver is installed”.

In response, Klees teaches an installation of new facsimile apparatus and sets current time and date via printer's control panel. Obviously, prior to print use the facsimile, the driver must be installed. Please see col. 5, lines 30-52 for information regarding installation of new facsimile apparatus, and please notes facsimile apparatus.

- Regarding claim 2, the applicant argued the cited prior arts of record fails to teach and/or suggest first and second areas of memory in printer.

In response, according to the originally filed specification, first and second storage areas are within a single storage memory device, NVRAM 106 of Klees, shown in fig. 2. The examiner herein interprets first and second storage areas are configured in the same physical device, i.e. SRAM 24. Obviously, SRAM 24 contains plurality of allocation areas, for example, one area for storing current date and time, and other areas for storing different data including

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programs/software/print data, warranty date and time, and etc. Fig. 4a shows SRAM 24 for storing warranty date and factory date set by the manufacturer, obviously, warranty date and factory date are two different dates, therefore, these two dates are stored in different areas of SRAM 24. Notes that warranty date is later updated to a current date. The examiner interprets warranty date as “an initial date”.

- Regarding claim 2, the applicant argued the cited prior arts of record fail to teach and/or suggest that a remote host computer programs the date and time of the initial use of the printer.

In response, the examiner disagrees with the applicant's assertion. As shown in fig. 5, a help menu (Millman) allows user to change date and time of the facsimile apparatus, and such help menu can also be accessed remotely via communication system 1100. One of ordinary skill in the art can access the facsimile apparatus's help menu and its features to change date and time remotely (i.e. date and time adjustment, fig. 6). Communication between facsimile and host computer is widely known and available in the art.

- Regarding claim 3, the applicant argued the cited prior arts of record fail to teach and/or suggest “displaying a first message asking whether a year/month/date counted by an internal is identical to the current year/month/date by the host if the initial date was not store” and the applicant also inserted that this is where the host computer displays the date of internal clock of the host on a display and asks the user if this date is correct.

In response, Klees teaches a message is displayed asking if the current time/date is current. The user can manually updates the current time and date, col. 5, lines 30-54. According to the originally filed specification, an operator must manually input the initial date and time. In addition, it is known in the art that most host computer is provided with a clock displays, for example, computers running on Microsoft Windows Operating System is provided with a clock displays.

- Regarding second limitation of claim 3, the applicant argued the cited prior arts of record fail to teach and/or suggest providing the counted year/month/date as the current year/month/date to the printer by the host upon receipt of a positive response from a user.

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In response, as shown in fig. 5, a help menu (Millman) allows user to change date and time of the facsimile apparatus, and such help menu can also be accessed remotely via communication system 1100. One of ordinary skill in the art can access the facsimile apparatus's help menu and its features to change date and time remotely (i.e. date and time adjustment, fig. 6). Communication between facsimile and host computer is widely known and available in the art.

- Regarding third limitation of claim 3, the applicant argued the cited prior arts of record fail to teach and/or suggest displaying a second message requesting the user to enter the current year/month/date by host upon receipt of a negative response from the user.

In response, Millman teaches date and time can be inputted remotely. In addition, Klees teaches a message requesting the user to enter the current year/month/date as shown in fig. 4a (step 116).

- Regarding claims 4-6, please see new rejection in view of newly found prior art reference due to newly added limitations amended to claim 1.

- Regarding fourth limitation of claim 3, the applicant argued the cite prior arts of record fail to teach and/or suggest "providing a yea/month/date received from the user as the current year/month/date to the printer by the host upon receipt of the year/month/date from the user".

In response, Millman teaches date and time can be set remotely by accessing its help menu and features as shown in fig. 5 & 6. Fig. 5 shows a change date and time locally by using help menu, and fig. 6 shows help menu features including "date and time adjustment". These menu/features can be accessed remotely as shown in fig. 11, col. 7, lines 30-52.

- Regarding claims 4-6, please see new rejection in view of newly found prior art reference due to newly added limitations amended to claim 1.

- Regarding claim 7, the applicant argued the cited prior arts of record fail to teach and/or suggest a printer is connected to a host computer and lacks of installation of printer driver.

In response, Millman teaches printer can be connected to a remote computer as shown in fig. 1 (i.e. via public network). Klees teaches an installation of a new facsimile apparatus, obviously,

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in order for the new facsimile to work, it must install a driver. In addition, it is also known in the art, the driver can be installed either in the host computer and/or in the printer itself, because printer driver is a software program.

- Regarding claim 8, the applicant argued the cited prior arts of record fail to teach and/or suggest “the step of having the computer furnish said initial date of said printer if a clock on said computer is accurate”.

In response, according to the originally filed specification, an operator must manually input the initial date and time. In addition, it is known in the art that most host computer is provided with a clock displays, for example, computers running on Microsoft Windows Operating System is provided with a clock displays. The method for determining whether the clock is accurate is performed manually by a user. Determining whether the clock provided by the computer is accurate or not is based on an operator's judgment, since it is performed manually.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- JP 09139794A to Horaguchi et al, teaches a method for setting and/or inputting calendar information from the host computer and transmits to the printer.
- US 6671063 to Iida, teaches a multifunctional network facsimile including a printer driver.
- US 2001/0052995 to Idehara, teaches a networked printing system including fax, printer, copy machine, and computers including fax driver, printer driver, and etc. as shown in fig. 1-53.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period

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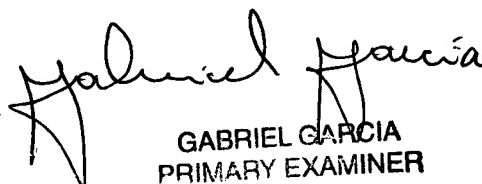
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thierry L Pham whose telephone number is (571) 2727439. The examiner can normally be reached on M-F (9:30 AM - 6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K Moore can be reached on (571)272-7437. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thierry L. Pham



GABRIEL GARCIA
PRIMARY EXAMINER